

NO. F-9746550-KL

THE STATE OF TEXAS  
VS.  
ELIEZAR ESCAMILLA

IN THE CRIMINAL DISTRICT  
COURT 5  
OF  
DALLAS COUNTY, TEXAS

DEFERRED ADJUDICATION ORDER

JUDGE PRESIDING: MANNY ALVAREZ JULY TERM, A.D., 1997  
DATE OF ORDER: 08/01/97

ATTORNEY FOR STATE: MARTIN MILLER ATTORNEY FOR DEFENDANT: NICK ZOES

OFFENSE: AGGRAVATED ASSAULT

DEGREE: SECOND DATE OFFENSE COMMITTED: 02/14/97

CHARGING INSTRUMENT: INDICTMENT PLEA: GUILTY

TERMS OF PLEA BARGIN  
(IN DETAIL): OPEN

PLEA TO ENHANCEMENT  
PARAGRAPH(S): N/A

FINDINGS ON DEADLY WEAPON, THE COURT FINDS THAT DEFENDANT HEREIN USED OR EXHIBITED  
BIAS OR PREJUDICE, A DEADLY WEAPON DURING THE COMMISSION OF SAID OFFENSE,  
AND/OR TO-WIT: AUTOMOBILE.  
FAMILY VIOLENCE:

DATE COMMUNITY SUPERVISION IMPOSED: 08/01/97 COSTS: YES

PERIOD OF SUPERVISION: 10 YEARS AND A FINE OF \$300.00

FINE PROBATED: NO RESTITUTION/REPARATION: NO

CONCURRENT UNLESS OTHERWISE SPECIFIED.

ON THIS DAY, SET FORTH ABOVE THE ABOVE STYLED AND NUMBERED CAUSE CAME  
TO TRIAL. THE STATE OF TEXAS AND DEFENDANT APPEARED BY AND THROUGH THE ABOVE  
NAMED ATTORNEYS AND ANNOUNCED READY FOR TRIAL. DEFENDANT APPEARED IN PERSON IN  
OPEN COURT. WHERE DEFENDANT WAS NOT REPRESENTED BY COUNSEL, DEFENDANT  
KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY WAIVED THE RIGHT TO REPRESENTATION  
BY COUNSEL. DEFENDANT, IN PERSON AND IN WRITING IN OPEN COURT WAIVED HIS RIGHT  
OF TRIAL BY JURY WITH THE CONSENT AND APPROVAL OF HIS ATTORNEY, THE ATTORNEY  
FOR THE STATE, AND THE COURT. WHERE SHOWN ABOVE THAT THE CHARGING INSTRUMENT  
WAS BY INFORMATION INSTEAD OF INDICTMENT, THE DEFENDANT DID, WITH THE CONSENT  
AND APPROVAL OF HIS ATTORNEY, WAIVE HIS RIGHT TO PROSECUTION BY INDICTMENT AND

PA

VOL. 400 PAGE 23

AGREE TO BE TRIED ON AN INFORMATION; ALL SUCH WAIVERS, AGREEMENTS AND CONSENTS WERE IN WRITING AND FILED IN THE PAPERS OF THIS CAUSE PRIOR TO THE DEFENDANT ENTERING HIS PLEA HEREIN. DEFENDANT WAS DULY ARRAIGNED AND IN OPEN COURT ENTERED THE ABOVE PLEA TO THE CHARGE CONTAINED IN THE CHARGING INSTRUMENT, AS SHOWN ABOVE. DEFENDANT WAS ADMONISHED BY THE COURT OF THE CONSEQUENCES OF SAID PLEA AND DEFENDANT PERSISTED IN ENTERING SAID PLEA, AND IT PLAINLY APPEARING TO THE COURT THAT DEFENDANT IS MENTALLY COMPETENT AND SAID PLEA IS FREE AND VOLUNTARY. THE SAID PLEA WAS ACCEPTED BY THE COURT AND IS NOW ENTERED OF RECORD AS THE PLEA HEREIN OF DEFENDANT. DEFENDANT IN OPEN COURT, IN WRITING HAVING WAIVED THE READING OF THE CHARGING INSTRUMENT, THE APPEARANCE, CONFRONTATION, AND CROSS-EXAMINATION OF WITNESSES, AND AGREED THAT THE EVIDENCE MAY BE BY STIPULATION, CONSENTED TO THE INTRODUCTION OF TESTIMONY ORALLY, BY JUDICIAL CONFESSION, BY AFFIDAVITS, WRITTEN STATEMENTS OF WITNESSES AND ANY OTHER DOCUMENTARY EVIDENCE. SUCH WAIVER AND CONSENT HAVING BEEN APPROVED BY THE COURT IN WRITING AND FILED IN THE PAPERS OF THE CAUSE; AND, THE COURT HAVING HEARD DEFENDANT'S WAIVER OF THE READING OF THE CHARGING INSTRUMENT, AS SHOWN ABOVE, DEFENDANT'S PLEA THERETO, THE EVIDENCE SUBMITTED, AND THE ARGUMENT OF COUNSEL, IS OF THE OPINION FROM THE EVIDENCE SUBMITTED THAT THE EVIDENCE SUBSTANTIATES THE DEFENDANT'S GUILT OF THE OFFENSE SHOWN ABOVE AND THAT THE OFFENSE WAS COMMITTED BY SAID DEFENDANT ON THE DATE SET FORTH ABOVE. THE COURT FURTHER MAKES ITS FINDINGS AS TO DEADLY WEAPON, FAMILY VIOLENCE, BIAS OR PREJUDICE, AND RESTITUTION OR REPARATION AS SET FORTH ABOVE.

AND WHEN SHOWN ABOVE THAT THERE WAS A PLEA BARGAIN AGREEMENT, THE DEFENDANT WAS INFORMED AS TO WHETHER THE COURT WOULD FOLLOW OR REJECT SUCH AGREEMENT AND IF THE COURT REJECTED SUCH AGREEMENT THE DEFENDANT WAS GIVEN AN OPPORTUNITY TO WITHDRAW HIS PLEA PRIOR TO ANY FINDING ON THE PLEA.

WHEN IT IS SHOWN ABOVE THAT RESTITUTION HAS BEEN ORDERED, BUT THE COURT DETERMINES THAT THE INCLUSION OF THE VICTIM'S NAME AND ADDRESS IN THE JUDGMENT IS NOT IN THE BEST INTEREST OF THE VICTIM, THE PERSON OR AGENCY WHOSE NAME AND ADDRESS IS SET OUT IN THIS JUDGMENT WILL ACCEPT AND FORWARD THE RESTITUTION PAYMENTS TO THE VICTIM.

AND WHEN IT IS SHOWN BELOW THAT PAYMENT OF THE COSTS OF LEGAL SERVICES PROVIDED TO THE DEFENDANT IN THIS CAUSE HAS BEEN ORDERED, THE COURT FINDS THAT THE DEFENDANT HAS THE FINANCIAL RESOURCES TO ENABLE THE DEFENDANT TO OFFSET SAID COSTS IN THE AMOUNT ORDERED.

THE COURT BEING OF THE OPINION THAT THE BEST INTERESTS OF SOCIETY AND THE DEFENDANT WILL BE SERVED BY DEFERRING FURTHER PROCEEDINGS WITHOUT ENTERING AN ADJUDICATION OF GUILT;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT THAT THE DEFENDANT BE AND HEREBY IS PLACED ON COMMUNITY SUPERVISION FOR A PERIOD OF TIME AS SHOWN ABOVE SUBJECT TO THE TERMS AND CONDITIONS OF COMMUNITY SUPERVISION IMPOSED BY LAW AND BY THE COURT AND SERVED UPON THE DEFENDANT. IT IS FURTHER ORDERED THAT THE DEFENDANT PAY THE FINE ASSESSED, IF ANY, UNLESS PAYMENT OF THE FINE HAS BEEN PROBATED, AS SHOWN ABOVE, COURT COSTS, COSTS AND EXPENSES OF LEGAL SERVICES PROVIDED BY THE COURT APPOINTED ATTORNEY IN THIS CAUSE, IF ANY, AND RESTITUTION OR REPARATION AS SET FORTH HEREIN.

CONDITIONS OF COMMUNITY SUPERVISION ARE ATTACHED HERETO AND ARE INCORPORATED FOR ALL PURPOSES AS A PART OF THIS JUDGMENT.

FOLLOWING THE DISPOSITION OF THIS CAUSE THE DEFENDANT'S FINGERPRINT WAS, IN OPEN COURT, PLACED UPON A CERTIFICATE OF FINGERPRINT. SAID CERTIFICATE IS ATTACHED HERETO AND IS INCORPORATED BY REFERENCE AS A PART OF THIS JUDGMENT.

COURT COSTS IN THE AMOUNT OF \$126.50



Nancy A. Alvarez  
JUDGE PRESIDING

CERTIFICATE OF THUMBPRINT

CAUSE NO. f9746550

THE STATE OF TEXAS

VS

Oscarville, Elizav

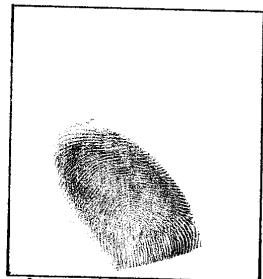
IN THE

Chm

DISTRICT COURT

#5

DALLAS COUNTY, TEXAS



Right  
Thumb\*



Defendant's

Rt  
hand

THIS IS TO CERTIFY THAT THE FINGERPRINTS ABOVE ARE THE ABOVE-NAMED DEFENDANT'S FINGERPRINTS TAKEN AT THE TIME OF DISPOSITION OF THE ABOVE STYLED AND NUMBERED CAUSE.

DONE IN COURT THIS 1 DAY OF August, 1997.

Brum #416  
BAILIFF/DEPUTY SHERIFF

\*Indicate here if print other than defendant's right thumbprint is placed in box:

left thumbprint

left/right index finger

other, \_\_\_\_\_

THE STATE OF TEXAS  
VS.IN THE CRIMINAL DISTRICT COURT NO. 5  
DALLAS COUNTY, TEXAS

July TERM 1997

Escamilla Eliezar6550  
CAUSE NO. F9746730L

REGULAR PROBATION

Agg. Assault/DWDEFERRED ADJUDICATION xx

SHOCK PROBATION

STATE JAIL

In accordance with the authority conferred by the Adult Probation and Parole Law of the State of Texas, you have been placed on probation on this date August 1, 1997 for a period of ten years. It is the order of this Court that you comply with the following conditions of probation:

- (a) Commit no offense against the laws of this or any other State or the United States, and do not possess a firearm during the term of probation;
- (b) Do not use marijuana, narcotics, dangerous drugs, inhalants or prescription medication without first obtaining a prescription for said substances from a licensed physician;
- (c) Avoid persons or places of disreputable or harmful character, and do not associate with individuals who commit offenses against the laws of this or any other State or the United States;
- (d) Obey all the rules and regulations of the probation department, and report to the Probation Officer as directed by the Judge or Probation Officer, to-wit: WEEKLY, TWICE MONTHLY, OR MONTHLY AS DIRECTED;
- (e) Permit the Probation Officer to visit you at your home or elsewhere, and notify the Probation Officer not less than twenty-four (24) hours prior to any changes in your home or employment address;
- (f) Work faithfully at suitable employment as far as possible, and seek the assistance of the probation officer in your efforts to secure employment when unemployed;
- (g) Remain within a specified place; to-wit: Dallas County, Texas, and do not travel outside Dallas County, Texas, without first having obtained written permission from the Court;
- (h) Pay Court cost and a fine, if one be assessed, in one or several sums COURT COST \$ 126.50 ; FINE \$300.00 : payable thru the Probation Officer of this Court at \$10.00 per month; first payment is due on or before August 15, 1997.
- (i) Support your dependents;

See G-16

(j) Pay a probation fee of \$40.00 per month to the Probation Officer of this Court on or before the first day of each month hereafter during probation.

(k) Submit to random urinalysis and or medical tests as required by the Court.

(l) Make monetary contribution in the amount of \$25.00 to the Dallas Area Crimestoppers, Inc. Payment is due in full to the Dallas County Adult Probation Department on or before December 1, 1997.

(m) Defendant will work and complete 240 hours of community service at a minimum of 20 hours per month no later than July 1, 1999, at an approved community service project or projects designed by the Community Supervision and Corrections Department. A processing fee of \$50.00 payable to the Volunteer Center will be required for referrals through the Volunteer Center.

(n) Submit to alcohol/drug evaluation within (45) forty-five days through either a private practitioner or through community resources. If treatment is deemed necessary, the defendant shall abide by any and all treatment directives, comply with the rules and regulations of the approved agency, and continue in said treatment until released by the this Court.

(o) Subject to report to the Dallas County Adult Probation Department within 72 hours of being released from custody.

(p) Subject to participate in the Specialized Supervision Program for a minimum of 180 days when released from custody.

You are hereby advised that under the law of this State, the Court shall determine the terms and conditions of your probation, and may at any time during the period of probation, alter or modify the conditions of your probation. The Court also has the authority at any time during the period of probation to revoke your probation, or proceed to adjudication for violation of any of the conditions of your probation set out above.

Witness our Signatures this the 1st day of August 1997.

Eliza Samill  
Probationer  
ML# C222815

Mary Alvey  
C. B.  
Judge  
Probation Officer

Cause No. F97-90550

THE STATE OF TEXAS

V.

Elmer EscamillaIN THE Judge  
DISTRICT COURT  
DALLAS COUNTY, TEXASPLEA BARGAIN AGREEMENT JUN 17 P1:40

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Defendant, Counsel for Defendant, and Counsel for State herein and would show that a plea bargain agreement has been entered into between the undersigned, and that under the terms of said agreement both sides agree they will waive their right to a jury trial and agree to and recommend the following:

Defendant will plead  guilty  nolo contendereDefendant will testify  will not testify  confinement in Penitentiary for  years. confinement in [State Jail] [County Jail] for  [days]  [years]  
 fine \$  NO PROBATION PROBATION TO BE GRANTED FOR  years subject to all the terms and conditions imposed by the trial court.  
Further, the judge, as provided by Article 42.12, Sec. 11 & 15 V.A.C.C.P., may at any time during the period of probation alter or modify the conditions. confinement in [State Jail] [County Jail] for  days as a condition of Probation. supervised work or community service for  hours as required by Article 42.12, Sec. 16 V.A.C.C.P. SHOCK PROBATION TO BE GRANTED  days after sentence, subject to good behavior of defendant in the Penitentiary. participation in SPECIAL ALTERNATIVE INCARCERATION PROGRAM.

Conviction to be as follows:

 Felony Misdemeanor Non-conviction Deferred Probation Restitution No credit for back time servedDefendant's back time date is: Additional provisions of the agreement are: open Plea  
affirmative finding of a deadly weapon

The undersigned certify they have read the terms of the above agreement and that it fully contains all the provisions of said agreement.

JOHN VANCE  
DISTRICT ATTORNEY  
DALLAS COUNTY, TEXASBy Martin Miller

Assistant District Attorney

Elmer Escamilla  
DefendantMartin Miller  
Counsel for Defendant

If a victim impact statement has been returned to the State, a copy of said statement shall be turned over to the Court by the State's attorney prior to the Court's acceptance of this plea.

DEFENDANT ESCAMILLA, ELENA MM 050572ADDRESS 3413 PEROTA, DALLAS, TXLOCATION DSOFILING AGENCY TXDOD99999 DATE FILED 2/26/97 COURT COMPLAINANT RODRIGUEZ, RICHARDO F-97465560C/C 

THE STATE OF TEXAS

VS.

Escamilla, EleazarCAUSE NO. F-97-46550-1Criminal DISTRICT COURT HS

DALLAS COUNTY, TEXAS

## JUDICIAL CONFESSION

Comes now Defendant in the above cause, in writing and in open Court, and consents to the stipulation of the evidence in this case and in so doing expressly waives the appearance, confrontation and cross-examination of witnesses. I further consent to the introduction of this Judicial Confession, and testimony orally, by affidavits, written statements of witnesses and other documentary evidence. Accordingly, having waived my Federal and State constitutional right against self-incrimination, and after having been sworn, upon oath, I judicially confess to the following facts and agree and stipulate that these facts are true and correct and constitute the evidence in this case:

On the 14th day of February 1997, in Dallas County, Texas, I did unlawfully,

unlawfully then and there knowingly and intentionally cause bodily injury to RICHARDO RODRIGUEZ, hereinafter called complainant, by striking said complainant, and said defendant did use and exhibit a deadly weapon to-wit: an automobile, during the commission of the assault.

FILED

JUN 17 1997

State Exhibit #1

I further judicially confess that I committed the offense with which I stand charged exactly as alleged in the indictment in this cause.

APPROVED BY:

Attorney for Defendant

Defendant

SWORN TO AND SUBSCRIBED before me on the \_\_\_\_\_ day of JUN 17 1997, 19\_\_\_\_\_.

APPROVED BY:

Assistant District Attorney

BILL LONG, CLERK

DISTRICT COURTS OF

DALLAS COUNTY, TEXAS

By Debra L. Alexander  
Deputy District Clerk

Defendant's agreement to stipulate and waiver of confrontation and cross-examination of witnesses are in all things approved by the Court. The above Judicial Confession is hereby approved by the Court.

PRESIDING JUDGE

**COPY**

02/19/97 0232

DALLAS POLICE DEPARTMENT

\*\* WARRANT OF ARREST AND DETENTION \*\*  
DALLAS COUNTY, TEXAS  
WARRANT NUMBERSERVICE#: 0133944F  
ARREST#: 97-012034

F97-46550

\*\*\*\*\*  
IN THE NAME OF THE STATE OF TEXAS TO ANY SHERIFF OR OTHER PEACE OFFICER  
OF THE STATE OF TEXAS --- GREETINGS:

YOU ARE HEREBY COMMANDED TO TAKE THE BODY OF:

ESCAMILLA, ELIEZAR,

HEREINAFTER CALLED THE ACCUSED, AND HIM SAFELY KEEP SO THAT HE MAY BE  
DEALT WITH ACCORDING TO LAW, AND TO HOLD THE ACCUSED TO ANSWER TO THE  
STATE OF TEXAS FOR AN OFFENSE AGAINST THE LAWS OF THE SAID STATE, NAMELY

AGG ASLT

F2 22.02

OF WHICH FELONY OFFENSE HE IS ACCUSED BY WRITTEN COMPLAINT, MADE  
UNDER OATH THAT HAS BEEN PRESENTED TO ME AND THAT IS BY THIS REFERENCE  
INCORPORATED HEREIN FOR ALL PURPOSES.

WITNESS MY SIGNATURE THIS 19 DAY OF FEBRUARY 1997

*John Rodriguez*  
MAGISTRATE\*\*\*\*\*  
ADMINISTRATIVE DATASTATE OF TEXAS VS: ESCAMILLA, ELIEZAR, ARREST STATUS:  
RACE: L SEX: M DOB: 05/06/73 HT: 508 WT: 170 HAIR COLOR: BLACK  
EYE COLOR: BROWN RESIDENCE ADDRESS: 03413 PEROIA  
CITY: DALLAS STATE: TX ZIP CODE:

BUSINESS ADD/NAME:

COMPLAINANT: RODRIGUEZ, RICHARDO DATE OF OFFENSE: 02/14/97  
ARREST WARRANT ISSUED TO: DPD/DSO DRIVERS LIC: 00082958

\*\*\*\*\*

## FEES

ARREST-----	\$ 4.00
COMMITMENT-----	\$ 2.00
RELEASE-----	\$ 2.00
APPROVE BOND-----	\$ 6.00
MILEAGE-----	\$
OTHER-----	\$

TOTAL-----\$

\*\*\*

## RETURN

CAME TO HAND THE 19 DAY OF February, A.D. 1997, AND EXECUTED  
THE 19 DAY OF February, A.D. 1997, BY ARRESTING AND DETAINING  
ABOVE NAMED AND ACCUSED AND taken to Lew SterretBY: Leferdo Rodriguez DPD

02/19/97 0232

DALLAS POLICE DEPARTMENT

PAGE 01

\*\*\*\*\*  
SERVICE#: 0133944F ARREST#: 97-012034

## AFFIDAVIT FOR ARREST WARRANT COUNTY OF DALLAS STATE OF TEXAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE UNDERSIGNED AFFIANT WHO, AFTER BEING DULY SWEORN BY ME, ON OATH STATED: MY NAME IS D.H. DAVIS AND I AM A PEACE OFFICER OF THE CITY OF DALLAS, DALLAS COUNTY, TEXAS. I, THE AFFIANT, HAVE GOOD REASON AND DO BELIEVE THAT ON OR ABOUT 14 FEBRUARY 1997 ONE ESCAMILLA, ELIEZAR, DID THEN AND THERE IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS COMMIT THE OFFENSE(S) OF:

AGG ASLT F2 22.02

## AFFIANT'S BELIEF IS BASED UPON THE FOLLOWING FACTS AND INFORMATION:

GONZALEZ, LEOPOLDO # 7076, A FELLOW PEACE OFFICER OF THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, WHO PERSONALLY PARTICIPATED IN THE INVESTIGATION OF THESE ALLEGED OFFENSE(S), PROVIDING THIS INFORMATION TO AFFIANT, AND WHOSE INFORMATION AFFIANT BELIEVES TO BE CREDIBLE.

ON FEBRUARY 19, 1997 AT ABOUT 1230 A.M. OFFICER(S) GONZALEZ, LEOPOLDO # 7076 AND LUNDBERG, DALE S # 5260 OBSERVED A/P ESCAMILLA AND KNEW HIM TO BE A POSSIBLE SUSPECT IN AN AGGRAVATED ASSAULT. A/OS STOPPED AT AT 2600 CHALKHILL DALLAS, DALLAS COUNTY, TEXAS.

## CHARGE DESCRIPTION: AGG ASLT

ON 02-14-97 A/O GONZALEZ 7076 SPOKE WITH COMP RODRIGUEZ WHO HAD BEEN INVOLVED IN A FIGHT IN THE PARKING LOT WITH SEVERAL OTHER LATIN MALES.

COMP STATED THAT DURING THE FIGHT THE A/P ESCAMILLA WHO WAS DRIVING A WHITE 1986 LINCOLN, 4DOOR, TAG PLH52N, DROVE INTO THE CROWD STRIKING COMP WITH THE VEHICLE AND CAUSING COMP A LARGE LACERATION ON THE TOP OF HIS HEAD ALONG WITH SEVERAL OTHER INJURIES TO HIS BODY. THE A/P ALSO STRUCK OTHERS THAT WERE IN THE PARKING LOT BUT THEY LEFT THE PARKING LOT AND COULD NOT BE REACHED. A/O WAS ABLE TO SPEAK WITH SEVERAL WITNESSES WHO WERE AT THE LOCATION AND SAW A/P DRIVING THE LISTED VEHICLE. WHEN A/OS CHECKED THE VEHICLE IT CAME BACK TO THE A/P'S HOME ADDRESS. A WITNESS HAD PICKED UP THE A/P'S DL AT THE LOCATION OF THE AGGRAVATED ASSAULT AND THAT'S HOW A/OS WERE

\*\*\*\*\*  
02/19/97 0232 DALLAS POLICE DEPARTMENT \*\*\*\*\*  
\*\*\*\*\* PAGE 02 \*\*\*\*\*

SERVICE#: 0133944F ARREST#: 97-012034

AFFIDAVIT (CONTINUED)

ABLE TO IDENTIFY HIM.

ON 02-19-97, AT ABOUT 0030 A/OS OBSERVED THE 1986 LINCOLN  
AT 2600 CHALKHILL WHICH MATCHED THE DESCRIPTION OF  
THE SUSPECT VEHICLE WHICH STRUCK COMP ON 02-14-97;  
THE PLATE ALSO MATCHED THE PLATE ON THE SUSP VEHICLE  
WHICH CAME BACK TO THE A/P.

A/P WAS ARRESTED FOR A WARRANT OUT OF DSO AND  
TAKEN TO LEW STERRETT. THE VEHICLE WAS TOWED  
TO THE CITY POUND BY MILLER AND PUT ON HOLD FOR  
CAPERS UNDER BADGE #3014.

NFI

*D. H. Davis*  
-----  
AFFIANT

WHEREFORE AFFIANT REQUESTS THAT AN ARREST  
WARRANT BE ISSUED FOR THE ABOVE ACCUSED  
INDIVIDUAL IN ACCORDANCE WITH THE LAW.

SUBSCRIBED AND SWORN TO BEFORE ME ON  
DATE: FEB 19 1997

*Clayton L. Johnson*  
-----  
MAGISTRATE

\*\*\*\*\*

THE STATE OF TEXAS, COUNTY OF DALLAS

AT A TERM OF THE 233RD JUDICIAL DISTRICT COURT BEGUN AND HELDEN  
WITHIN AND FOR THE COUNTY OF DALLAS, TEXAS, ON THE 30TH DAY OF FEBRUARY  
A. D. 2004, THE HONORABLE MICHAEL CUNNINGHAM, JUDGE THEREOF PRESIDING,  
THE FOLLOWING PROCEEDINGS WERE HAD TO-WIT IN THE CAUSE OF  
CAUSE NO. F-0454867-T

PRESENTMENT OF INDICTMENT

ON THIS THE 10TH DAY OF SEPTEMBER 2004,  
THERE WAS DELIVERED AND PRESENTED TO THE CLERK OF THIS COURT THE  
FOLLOWING INDICTMENT, TO-WIT:

THE STATE OF TEXAS CAUSE NO. F-0454867-T  
VS

ESCAMILLA ELIEZAR

WHICH WAS THEREUPON ORDERED BY THE COURT TO BE FILED.

ORDER OF TRANSFER

THE STATE OF TEXAS CAUSE NO. F-0454867-T  
VS

ESCAMILLA ELIEZAR

10TH DAY OF SEPTEMBER 2004.

IT APPEARING TO THE COURT FROM AN INSPECTION OF THE INDICTMENT THAT  
THIS CASE IS A MISDEMEANOR, AND THAT THE COUNTY CRIMINAL COURT 10  
OF DALLAS COUNTY, TEXAS HAD JURISDICTION OF THE SAME. IT IS ORDERED BY  
THE COURT, THAT THE ABOVE ENTITLED AND NUMBERED CAUSE BE AND THE SAME IS  
HEREBY TRANSFERRED TO THE COUNTY CRIMINAL COURT 10 OF DALLAS  
COUNTY, TEXAS, FOR TRIAL AND FINAL ADJUDICATION.

  
JUDGE

J. JIM HAMLIN, CLERK OF THE DISTRICT COURT'S OF DALLAS, COUNTY, TEXAS,  
DO CERTIFY THAT THE FOREGOING CONTAINS A TRUE COPY OF ALL OF THE PRO-  
CEEDINGS TAKEN IN THE SAID 233RD JUDICIAL DISTRICT COURT, IN THE CASE  
OF THE STATE OF TEXAS VS. ESCAMILLA ELIEZAR  
CAUSE NO. F-0454867-T.

WITNESS MY HAND AND THE SEAL OF SAID COURT ON THIS THE  
JIM HAMLIN, CLERK, OF THE DISTRICT COURT'S, DALLAS COUNTY, TEXAS.

BY



DEPUTY

REPORT 007577 ADDED TO THE MSOO FILE ON 09/20/04 AT 11:30

SEPT 28 2004

MT

DEFENDANT Escamilla, Eliezar W.M. 05061973 CHARGE ASSAULT/MISD  
AKA:  
ADDRESS 623 S Cockrell Hill Rd, Dallas, Tx LOCATION DSO  
FILING AGENCY TXDPD0000 DATE FILED August 13, 2004 COURT 10 JDC283  
COMPLAINANT Escamilla, Pamela F-0454867 VT#:  
C/C M A0405601-L

**TRUE BILL INDICTMENT**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS: The Grand Jury of  
Dallas County, State of Texas, duly organized at the July Term, A.D., 2004 of the  
283rd Judicial District Court, Dallas County, in said Court at said

Term, do present that one **ESCAMILLA, ELIEZAR**, Defendant,

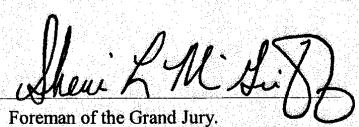
On or about the 8 th day of August A.D., 2004 in the County of Dallas and said State, did

then and there intentionally and knowingly and recklessly cause bodily injury to another, namely:  
PAMELA ESCAMILLA, hereinafter called complainant, by grabbing and by twisting complainant with  
defendant's hand,

against the peace and dignity of the State.

Bill Hill

Criminal District Attorney of Dallas County, Texas

  
Foreman of the Grand Jury.

TDC/COURT

08/11/04 0939

DALLAS POLICE DEPARTMENT

PAGE 01

**ADD CHARGE**

SERVICE#: 0605818N

ARREST#: 04-036549

\*\* ADD CHARGE \*\*

## AFFIDAVIT FOR ARREST WARRANT COUNTY OF DALLAS STATE OF TEXAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE UNDERSIGNED AFFIANT WHO, AFTER BEING DULY SWEORN BY ME, ON OATH STATED: MY NAME IS J. J. HUBACEK AND I AM A PEACE OFFICER OF THE CITY OF DALLAS, DALLAS COUNTY, TEXAS. I, THE AFFIANT, HAVE GOOD REASON AND DO BELIEVE THAT ON OR ABOUT 08 AUGUST 2004 ONE ESCAMILLA, ELIEZAR, DID THEN AND THERE IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS COMMIT THE OFFENSE(S) OF:

INJURY TO A CHILD (FV) F3 22.04 0606107N

## AFFIANT'S BELIEF IS BASED UPON THE FOLLOWING FACTS AND INFORMATION:

SMILIE, HERBERT ROBER # 8388, A FELLOW PEACE OFFICER OF THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, WHO PERSONALLY PARTICIPATED IN THE INVESTIGATION OF THESE ALLEGED OFFENSE(S), PROVIDING THIS INFORMATION TO AFFIANT, AND WHOSE INFORMATION AFFIANT BELIEVES TO BE CREDIBLE.

ON AUGUST 08, 2004 AT ABOUT 0330 A.M. OFFICER(S) SMILIE, HERBERT ROBER # 8388 RESPONDED TO A CALL FROM THE POLICE DISPATCHER REGARDING THE ASSAULT/FAMILY VIOLENCE, INVOLVING AP AT 3413 PEORIA DALLAS, DALLAS COUNTY, TEXAS.

## CHARGE DESCRIPTION: INJURY TO A CHILD (FV)

PROBABLE CAUSE FOR THE ADD CHARGE OF INJURY TO A CHILD (FV) 22.04 F/3: ARRESTING OFFICERS ANSWERED A CALL ON 8-8-04 AT 3:30AM AT 3413 PEORIA, DALLAS, DALLAS COUNTY, TEXAS. THEY ARRESTED THE ARRESTEE FOR ASSAULT (FV) 22.01 M/A.

FURTHER INVESTIGATION REVEALS THAT THE ARRESTEE COMMITTED THE OFFENSE OF INJURY TO A CHILD (FV) 22.04 F/3. COMPLAINANT PAMELA ESCAMILLA STATES THAT ON 8-8-04 AT 12:50AM AT 4535 N OTTAWA ROAD, DALLAS, DALLAS COUNTY, TEXAS, SHE WAS ASSAULTED BY ARRESTEE ELIEZAR ESCAMILLA. THE ARRESTEE ASSAULTED THE COMPLAINANT'S FATHER. A FIGHT ENSUED AND THE COMPLAINANT AND OTHER RELATIVES ATTEMPTED TO HOLD THE ARRESTEE DOWN TO STOP THE ASSAULT. THE ARRESTEE GRABBED THE COMPLAINANT'S FOOT AND TWISTED IT AND GRABBED HER BY THE ARM. THE COMPLAINANT SUFFERED A TWISTED RIGHT ANKLE AND A BRUISE ON HER RIGHT ARM. THE COMPLAINANT IS THIRTEEN (13) YEARS OLD. THE ARRESTEE ALSO ASSAULTED THE OTHER RELATIVES. THE COMPLAINANT AND ARRESTEE ARE COUSINS.

08/11/04 0939

DALLAS POLICE DEPARTMENT

PAGE 02

SERVICE#: 0605818N

ARREST#: 04-036549

\*\* ADD CHARGE \*\*

AFFIDAVIT (CONTINUED)

*John J. Heacock*

WHEREFORE AFFIANT REQUESTS THAT AN ARREST  
AFFIANT WARRANT BE ISSUED FOR THE ABOVE ACCUSED  
INDIVIDUAL IN ACCORDANCE WITH THE LAW.

SUBSCRIBED AND SWORN TO BEFORE ME ON

DATE: AUG 11 2004

MAGISTRATE

*Alfredo Camponi*

THE STATE OF TEXAS, COUNTY OF DALLAS

AT A TERM OF THE 283RD JUDICIAL DISTRICT COURT BEGAN AND HELD  
WITHIN AND FOR THE COUNTY OF DALLAS, TEXAS, ON THE 30TH DAY OF FEBRUARY  
A.D. 2004, THE HONORABLE VIC CUNNINGHAM, JUDGE THEREOF PRESIDING,  
THE FOLLOWING PROCEEDINGS WERE HAD TO-WIT IN THE CAUSE OF  
CAUSE NO. F-0454866-T

PRESENTMENT OF INDICTMENT  
ON THIS THE 10TH DAY OF SEPTEMBER 2004,  
THERE WAS DELIVERED AND PRESENTED TO THE CLERK OF THIS COURT THE  
FOLLOWING INDICTMENT, TO-WIT:

THE STATE OF TEXAS CAUSE NO. F-0454866-T  
VS  
ESCAMILLA ELIEZAR  
WHICH WAS THEREUPON ORDERED BY THE COURT TO BE FILED.  
ORDER OF TRANSFER  
THE STATE OF TEXAS CAUSE NO. F-0454866-T  
VS  
ESCAMILLA ELIEZAR

10TH DAY OF SEPTEMBER 2004.  
IT APPEARING TO THE COURT FROM AN INSPECTION OF THE INDICTMENT THAT  
THIS CASE IS A MISDEMEANOR, AND THAT THE COUNTY CRIMINAL COURT TO  
OF DALLAS COUNTY, TEXAS HAD JURISDICTION OF THE SAME. IT IS ORDERED BY  
THE COURT, THAT THE ABOVE ENTITLED AND NUMBERED CAUSE BE AND THE SAME IS  
HEREBY TRANSFERRED TO THE COUNTY CRIMINAL COURT TO OF DALLAS  
COUNTY, TEXAS, FOR TRIAL AND FINAL ADJUDICATION.

  
JUDGE

I, JIM HAMLIN, CLERK OF THE DISTRICT COURT'S OF DALLAS, COUNTY, TEXAS,  
DO CERTIFY THAT THE FOREGOING CONTAINS A TRUE COPY OF ALL OF THE PRO-  
CEDINGS TAKEN IN THE SAID 283RD JUDICIAL DISTRICT COURT, IN THE CASE  
OF THE STATE OF TEXAS VS. ESCAMILLA ELIEZAR  
CAUSE NO. F-0454866-T.

WITNESS MY HAND AND THE SEAL OF SAID COURT ON THIS THE  
JIM HAMLIN, CLERK, OF THE DISTRICT COURT'S, DALLAS COUNTY, TEXAS.

BY



DEPUTY

REPORT 007577 ADDED TO THE MSOO FILE ON 09-20-04 AT 11:3

SEP 28 2004

JS

DEFENDANT Escamilla, Eliezar W M 05061973 CHARGE ASSAULT/MISD  
AKA:  
ADDRESS 623 S Cockrell Hill Rd, Dallas, Tx LOCATION DSO  
FILING AGENCY TXDPD0000 DATE FILED August 13, 2004 COURT ID JDC283  
COMPLAINANT Escamilla, Valerie F-0454866 VT#:  
C/C M A0405559-L

TRUE BILL INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS: The Grand Jury of  
Dallas County, State of Texas, duly organized at the July Term, A.D., 2004 of the

283rd Judicial District Court, Dallas County, in said Court at said

Term, do present that one **ESCAMILLA, ELIEZAR**, Defendant,

On or about the 8 th day of August A.D., 2004 in the County of Dallas and said State, did

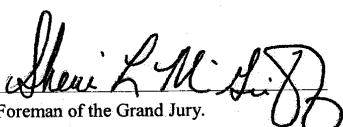
then and there intentionally and knowingly and recklessly cause bodily injury to another, namely:  
VALERIE ESCAMILLA, hereinafter called complainant, by striking complainant with defendant's hand,

against the peace and dignity of the State.

**Bill Hill**

Criminal District Attorney of Dallas County, Texas

Foreman of the Grand Jury.



TDC/COURT

08/11/04 0927

DALLAS POLICE DEPARTMENT

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**ADD CHARGE**

SERVICE#: 0605818N

ARREST#: Q4-036549

\*\* ADD CHARGE \*\*

AFFIDAVIT FOR ARREST WARRANT COUNTY OF DALLAS STATE OF TEXAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE UNDERSIGNED AFFIANT WHO, AFTER BEING DULY SWEORN BY ME, ON OATH STATED: MY NAME IS J. J. HUBACEK AND I AM A PEACE OFFICER OF THE CITY OF DALLAS, DALLAS COUNTY, TEXAS. I, THE AFFIANT, HAVE GOOD REASON AND DO BELIEVE THAT ON OR ABOUT 08 AUGUST 2004 ONE ESCAMILLA, ELIEZAR, DID THEN AND THERE IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS COMMIT THE OFFENSE(S) OF:

INJURY TO A CHILD (FV) F3 22.04 0606110N

AFFIANT'S BELIEF IS BASED UPON THE FOLLOWING FACTS AND INFORMATION:

SMILIE, HERBERT ROBER # 8388, A FELLOW PEACE OFFICER OF THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, WHO PERSONALLY PARTICIPATED IN THE INVESTIGATION OF THESE ALLEGED OFFENSE(S), PROVIDING THIS INFORMATION TO AFFIANT, AND WHOSE INFORMATION AFFIANT BELIEVES TO BE CREDIBLE.

ON AUGUST 08, 2004 AT ABOUT 0330 A.M. OFFICER(S) SMILIE, HERBERT ROBER # 8388 RESPONDED TO A CALL FROM THE POLICE DISPATCHER REGARDING THE ASSAULT/FAMILY VIOLENCE, INVOLVING AP AT 3413 PEDRIA DALLAS, DALLAS COUNTY, TEXAS.

CHARGE DESCRIPTION: INJURY TO A CHILD (FV)

PROBABLE CAUSE FOR THE ADD CHARGE OF INJURY TO A CHILD (FV) 22.04 F/3: ARRESTING OFFICERS ANSWERED A CALL ON 8-8-04 AT 3:30AM AT 3413 PEDRIA, DALLAS, DALLAS COUNTY, TEXAS. THEY ARRESTED THE ARRESTEE FOR ASSAULT (FV) 22.01 M/A.

FURTHER INVESTIGATION REVEALS THAT THE ARRESTEE COMMITTED THE OFFENSE OF INJURY TO A CHILD (FV) 22.04 F/3. COMPLAINANT VALERIE ESCAMILLA STATES THAT ON 8-8-04 AT 12:50AM AT 4535 N OTTAWA ROAD, DALLAS, DALLAS COUNTY, TEXAS, SHE WAS ASSAULTED BY THE ARRESTEE ELIEZAR ESCAMILLA. THE COMPLAINANT AND ARRESTEE ARE COUSINS. THE ARRESTEE ASSAULTED THE COMPLAINANT'S FATHER. A FIGHT ENSUED AND THE COMPLAINANT AND OTHER RELATIVES ATTEMPTED TO HOLD THE ARRESTEE DOWN TO STOP THE ASSAULT. THE ARRESTEE STRUCK THE COMPLAINANT ON THE ARM WITH HIS FIST. THE COMPLAINANT SUFFERED PAIN BUT NO VISIBLE INJURY. THE ARRESTEE ALSO ASSAULTED THE OTHER RELATIVES. THE COMPLAINANT IS FOURTEEN (14) YEARS OLD.

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08/11/04 0927

DALLAS POLICE DEPARTMENT

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SERVICE#: 0605818N

ARREST#: 04-036549

\*\* ADD CHARGE \*\*

AFFIDAVIT (CONTINUED)

*John J. Blatnick*  
AFFIANT

WHEREFORE AFFIANT REQUESTS THAT AN ARREST  
WARRANT BE ISSUED FOR THE ABOVE ACCUSED  
INDIVIDUAL IN ACCORDANCE WITH THE LAW.

SUBSCRIBED AND SWORN TO BEFORE ME ON  
DATE: -----AUG 11 2004-----

MAGISTRATE

*Alberto Camprini*

CAUSE NO. M-0405559-L

THE STATE OF TEXAS

IN THE

VS.

COUNTY CRIMINAL COURT 10

ELIEZAR ESCAMILLA

DALLAS COUNTY, TEXAS

JUDGMENT ON PLEA OF NOT GUILTY TO THE JUDGE

JUDGE PRESIDING LISA FOX

DATE OF JUDGMENT 01/05/2005

ATTORNEY  
FOR STATE JAY BENDER

ATTORNEY  
FOR DEFENDANT JAMES MILLAN

OFFENSE ALLEGED ASSAULT

CLASS A MISDEMEANOR DATE OFFENSE ALLEGED COMMITTED 08/08/04  
CHARGING INSTRUMENT INDICTMENT PLEA NOT GUILTY

FINDING OF THE COURT NOT GUILTY

ON THIS DAY, SET FORTH ABOVE, THE ABOVE STYLED AND NUMBERED CAUSE WAS CALLED FOR TRIAL. THE STATE OF TEXAS AND DEFENDANT APPEARED BY AND THROUGH THE ABOVE NAMED ATTORNEYS AND ANNOUNCED READY FOR TRIAL. DEFENDANT APPEARED IN PERSON IN OPEN COURT. WHERE DEFENDANT WAS NOT REPRESENTED BY COUNSEL, DEFENDANT KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY WAIVED THE RIGHT TO REPRESENTATION BY COUNSEL.

HAVING BEEN ADMONISHED OF THE RIGHT TO A JURY TRIAL, THE DEFENDANT WAIVED THE RIGHT TO A JURY TRIAL IN WRITING AND IN OPEN COURT WITH THE CONSENT AND APPROVAL OF THE JUDGE, THE DEFENDANT'S ATTORNEY, IF ANY, AND THE PROSECUTING ATTORNEY NAMED ABOVE. THE CONSENT AND APPROVAL OF THE WAIVER OF JURY TRIAL WAS ENTERED OF RECORD IN THE MINUTES OF THE COURT BEFORE THE DEFENDANT ENTERED THIS PLEA.

EVIDENCE WAS PRESENTED TO THE JUDGE AND HAVING HEARD THE EVIDENCE, THE JUDGE FINDS THAT THE EVIDENCE IS INSUFFICIENT TO SUPPORT THE ALLEGATIONS. THE JUDGE FINDS THE DEFENDANT NOT GUILTY.

IT IS, THEREFORE, ORDERED AND DECREED BY THE JUDGE THAT SAID DEFENDANT BE ADJUDGED NOT GUILTY OF THE OFFENSE AS SHOWN ABOVE. THE JUDGE ORDERS THAT THE DEFENDANT BE AT ONCE DISCHARGED FROM ALL FURTHER LIABILITY UPON THE CHARGE FOR WHICH DEFENDANT WAS TRIED.

SIGNED AND ENTERED THIS 05TH DAY OF JANUARY, 2005

*Lisa A. Fox*  
JUDGE, COUNTY CRIMINAL COURT 10  
DALLAS COUNTY, TEXAS



TRUE AND CORRECT  
COPY OF ORIGINAL  
FILED IN DALLAS  
COUNTY CLERK'S OFFICE